

# Order

Michigan Supreme Court  
Lansing, Michigan

May 7, 2009

Marilyn Kelly,  
Chief Justice

137251

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 137251  
COA: 274945  
Macomb CC: 2006-002756-FC

JASON MICHAEL GURSKY,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the July 17, 2008 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the issues: (1) whether the statements made by the complainant to Stacy Morgan on or about May 4, 2006 were “shown to have been spontaneous and without indication of manufacture” within the meaning of MRE 803A(2), and (2) whether it was more probable than not that any error in this regard was outcome determinative. See *People v Lukity*, 460 Mich 484, 495-496 (1999).

We further ORDER the Macomb Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint counsel to represent the defendant in this Court.

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



s0430

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 7, 2009

*Corbin R. Davis*

Clerk